

# CHARTER

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### **PREAMBLE**

In order to provide for the government of the City of Saint Charles, and secure the benefits and advantages of constitutional home rule and of the constitution of the State of Missouri, the people of the City of Saint Charles, Missouri, adopt the following charter.

## **ARTICLE I. INCORPORATION, NAME AND BOUNDARIES**

### **SECTION 1.1 INCORPORATION, NAME AND BOUNDARIES.**

The inhabitants of the City of Saint Charles, within the corporate limits as now established and on file in the office of the city clerk or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Saint Charles.

(Approved by electorate, November 3, 1981)

## **ARTICLE II. POWERS**

### **SECTION 2.1 POWERS.**

The city shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

(Approved by electorate, November 3, 1981)

### **SECTION 2.2 CONSTRUCTION.**

The powers of the city shall be liberally construed. The specific mention of a particular power in this charter shall not be construed as limiting the powers of the city.

(Approved by electorate, November 3, 1981)

## **ARTICLE III. THE COUNCIL**

### **SECTION 3.1 WHERE POWERS VESTED.**

Except as this charter provides otherwise, all powers of the city shall be vested in the city council. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

(Approved by electorate, November 3, 1981)

### **SECTION 3.2 ELIGIBILITY.**

No person shall be a councilmember unless the person is at least 21 years of age prior to taking office, a citizen of the United States, an inhabitant of the city for two years next preceding the election, a qualified registered voter, and shall be a resident of the ward from which the person is elected six months next preceding the election. If a councilmember removes the councilmember's residency from the ward from which the councilmember is elected, the councilmember's office shall be immediately vacated.

(Approved by electorate, November 3, 1981)

### **SECTION 3.3 COMPOSITION, ELECTION AND TERMS.**

(a) Until the election in April 1995, there shall be a city council of two members from each ward nominated and elected by the qualified registered voters of their respective wards, as provided in Article IX. The councilmembers elected at the time

of passage of this provision shall remain in office until the new councilmembers are sworn in after the election in April 1995. The councilmembers elected at the election in April 1993 shall serve for a term of two years.

(b) Beginning with the election in April 1995, there shall be a city council of one member from each ward nominated and elected by the qualified registered voters of their respective wards, as provided in Article IX. Beginning with the election in April 2007, each councilmember from wards one through five elected in April 2007 shall serve a four-year term and each councilmember from wards six through ten elected in April 2007 shall serve a three-year term. Beginning with the election in April 2011, each councilmember from wards one through five elected in April 2011 shall serve a three-year term.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992; Amending Ord. 06-190 approved by electorate, November 7, 2006)

### **SECTION 3.4 CITY COUNCIL WARDS.**

(a) Until the election in April 1995, there shall be five city council wards. Ward boundaries shall be established by ordinance following each decennial census and may be changed at other times. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

(b) Beginning with the election in April 1995, there shall be ten city council wards. Ward boundaries shall be established by ordinance following each decennial census and may be changed at other times. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants. The division of the city into ten wards shall be effective for the election in April 1995 and thereafter.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992)

### **SECTION 3.5 COMPENSATION AND EXPENSES.**

Except as provided in Article XV, the council may determine the compensation of councilmembers by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilmembers shall also receive their actual and necessary expenses incurred in the performance of their duties of office as provided by ordinance.

(Approved by electorate, November 3, 1981)

### **SECTION 3.6 PRESIDENT OF THE CITY COUNCIL.**

The members of the council at the first meeting following their election shall elect one of their members as president of the council who shall serve for a term of one year and who shall be presiding officer over the meetings of the council and shall vote as a member.

(Approved by electorate, November 3, 1981)

### **SECTION 3.7 PROHIBITIONS.**

(a) *Holding Other Office.* Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no councilmember shall hold any other city office, city employment or other elected public office during the term for which the member was elected to the council, and no former councilmember shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the councilmember was elected to the council.

(b) *Appointments and Removals.* Neither the council, nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees, whom the mayor or any of the mayor's subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the mayor anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations under Section 3.13, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, or through the mayor's designee, or pursuant to rules established by the mayor and approved by a majority of the entire council. Neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. This section shall not be interpreted to prevent social interaction between the council or its members and such officer or employee, so long as the social interaction is not related to city business.

(Approved by electorate, November 3, 1981; Amending Ord. 93-93 approved by electorate, April 6, 1994; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

### **SECTION 3.8 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.**

(a) *Vacancies.* The office of a councilmember shall become vacant upon the councilmember's death, resignation, removal from office in any manner authorized by law, or forfeiture of the office.

(b) *Forfeiture of Office.* A councilmember shall forfeit office if the councilmember (1) lacks at any time during the councilmember's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express

prohibition of this charter, (3) is convicted of a felony or a crime involving moral turpitude, (4) is in default to the city, (5) fails to attend three consecutive regular meetings of the council without being excused by the council, or (6) for any reason is absent from council meetings for a period longer than two consecutive months unless formally excused by an affirmative vote of 2/3 of the council members.

(c) *Filling of Vacancies.* In case of vacancy in the council, the mayor shall appoint a qualified person to fill the vacancy of the unexpired term, if the term is to expire within one hundred eighty days. If more than one hundred eighty days remain in the term, then the mayor shall appoint a person to fill the vacancy until a successor is elected at the next election at which the candidates for office have time to properly file for elected office pursuant to the election laws of the city and of the State of Missouri. No appointment to fill a vacancy in the council shall be effective until approved by a majority of the remaining members of the council.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

### **SECTION 3.9 CITY CLERK.**

(a) The council shall appoint and establish the compensation of an officer who shall have the title of city clerk. The city clerk shall keep the journal of council proceedings, authenticate by the city clerk's signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The city clerk shall perform such other duties as may be required by law, by this charter, or by the council. The city clerk shall have the power to administer oaths. The city clerk shall hold office at the pleasure of the council.

(b) The city clerk shall direct and supervise the employees in the city clerk's office.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

### **SECTION 3.10 LEGISLATIVE PROCEEDINGS.**

(a) *Meetings.* The council shall meet regularly at least once each month at such times and places as the council may prescribe by ordinance. The mayor upon the mayor's own motion may, or at the request of three members of the council shall, call a special meeting of the council for a time not earlier than twenty-four hours after notice is given to all members of the council then in the city. Special meetings of the council may also be held at any time by the consent of all the members of the council, and such consent may be given either prior to or during the special meeting. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

(b) *Rules and Journals.* The council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept and this journal shall be open to public inspection.

(c) *Voting.* Voting shall be by roll call except on procedural motions, and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rule of the council. Except as otherwise provided in this charter, the affirmative vote of a majority of the entire council shall be necessary to adopt any ordinance or resolution.

(d) *Form of Ordinances.* Proposed ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be: "Be It Ordained By the Council of the City of Saint Charles:" The enacting clause of all ordinances submitted by initiative shall be: "Be It Ordained By the People of the City of Saint Charles:."

No ordinance, except those making appropriations of money and those codifying or revising existing ordinances, shall contain more than one subject which shall be clearly expressed in its title. Ordinances making appropriations shall be confined to the subject matter of the appropriations.

(e) *Procedure.* Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open council meeting two times before final passage, and at least one week shall elapse between introduction and final passage. A copy of each proposed ordinance shall be provided for each councilmember at the time of its introduction, and at least three copies shall be provided for public inspection in the office of the city clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt. If the council adopts an amendment to a proposed ordinance which constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the city clerk for one additional week before final passage.

(f) *Emergency Ordinances.* All emergency ordinances shall be read in full in open council meetings. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds of the members of the council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.

(g) *Effective Date.* Every adopted ordinance shall become effective immediately upon passage, adoption and approval by the mayor, or at any later date specified therein except those ordinances excluded from referendum provisions which shall become effective on final passage and approval. Emergency ordinances shall become effective upon adoption or at any later date specified therein.

(h) *Veto Procedures.* Every ordinance or resolution adopted by the council shall be presented to the mayor for approval and if the mayor shall sign the same it shall be deemed approved and adopted. The mayor may return an unsigned ordinance or resolution with objections to the council by delivering it to the city clerk's office at least two days prior to the beginning of the next regular meeting of the council which meeting shall occur at least 13 days following the mayor's receipt and such ordinance or resolution shall stand vetoed and shall not take effect without the approval of the mayor unless adopted over the mayor's veto in the following manner: At the first regular meeting next following receipt by the city clerk of a disapproved ordinance or resolution the city clerk shall cause the objection of the mayor to be entered upon the journal of the council and the president of the council shall put to the council the question, "Shall the ordinance or resolution take effect the objections of the mayor notwithstanding?". The question may not be tabled for more than 14 days, and shall not be withdrawn. Should two-thirds of the members of the entire council cast their votes in favor of overriding the mayor's veto, the ordinance or resolution shall take effect, otherwise it shall not take effect. Should the mayor neither sign nor return with objections any ordinance or resolution at least two days prior to the beginning of the next regular meeting of the council which meeting shall occur at least 13 days following the mayor's receipt it shall be deemed approved and adopted. The mayor shall have the power to approve all or any part of any appropriation bill or the general appropriation of the city budget or veto any item or all of the same. The council may override such veto in the same manner as an ordinance or resolution provided three-fourths of the members cast their votes in favor of overriding the mayor's veto before the veto override shall be effective.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

### **SECTION 3.11 REVISION OF ORDINANCES.**

Within three years after adoption of this charter, all ordinances or resolutions of the city of a general and permanent nature shall be revised, codified and promulgated according to a system of continuous numbering and revision as specified by ordinance. A general codification or revision of the ordinances shall be required every 10 years thereafter.

(Approved by electorate, November 3, 1981)

### **SECTION 3.12 JUDGE OF QUALIFICATIONS.**

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to review by the courts.

(Approved by electorate, November 3, 1981)

### **SECTION 3.13 INVESTIGATIONS.**

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punished as may be prescribed by ordinance.

(Approved by electorate, November 3, 1981)

### **SECTION 3.14 INDEPENDENT AUDIT.**

The council shall provide for an independent audit of all city accounts at least annually. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the report prepared by the certified public accountant or firm of such accountants shall be kept in the city clerk's office and shall be open to public inspection.

(Approved by electorate, November 3, 1981)

### **SECTION 3.15 TAXES LEVIED FOR THE OPERATION OF PUBLIC PARKS.**

The city council shall have power, as provided by law, to levy taxes for the operation of public parks and recreation grounds and facilities, and such taxes shall replace the special tax heretofore levied for parks under authority of RSMo § 90.500, 1978 and the power to levy such special tax shall cease upon the adoption of this charter. All revenues derived from the taxes hereafter levied for the operation of public parks and recreation grounds and facilities shall be deposited with the director of finance and be subject to disbursement solely for use of the parks and recreational grounds and facilities and in the same manner as is provided for the disbursement of other funds of the city.

(Approved by electorate, November 3, 1981)

### **SECTION 3.16 APPOINTMENT OF COUNCILMEMBERS TO BOARDS AND COMMISSIONS.**

Board members and commission members who are required to be councilmembers shall be appointed by a majority of the city council for one (1) year terms.

(Approved by electorate, April 7, 1998)

### **SECTION 3.17 ADMINISTRATION OF OATHS.**

The administration of the oath of office of a Council member may be made by any person authorized by law to administer oaths.

(Approved by electorate, November 7, 2006)

## **ARTICLE IV. MAYOR**

### **SECTION 4.1 THE MAYOR.**

The executive power in the city shall be vested in a mayor. who shall be recognized as the head of the city government for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law. The mayor shall devote full-time to the duties of the office. The mayor shall not at any time while serving in office carry on any trade, occupation, business or enterprise for personal pecuniary profit or gain during the normal business hours of the City of St. Charles.

(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

### **SECTION 4.2 MAYOR; ELECTION, TERM AND QUALIFICATIONS.**

The mayor shall be elected by the qualified registered voters of the city at-large at the regular municipal election. The mayor shall hold office for a term of four years. The mayor shall be a qualified registered voter of the city, shall have been a resident of the city for the two years immediately preceding the election, and shall be at least 30 years of age at the time the mayor assumes office.

(Approved by electorate, November 3, 1981)

### **SECTION 4.3 MAYOR; POWERS AND DUTIES.**

The mayor shall have the following powers and duties and shall perform the following functions in addition to those conferred upon the mayor by other portions of this charter and by all the general statutes of the State of Missouri:

- (a) *Participation in Council Meetings.* The mayor shall not be a member of the council, but shall have the right to participate in the deliberations at all the meetings of the council.
- (b) *Power of Veto.* The mayor shall have the power of veto in respect to ordinances and resolutions adopted by the council, and when invoked, this power shall be exercised pursuant to the provisions of this charter.
- (c) *Execution of Laws, Provisions of the Charter, Ordinances, Resolutions, Motions, Rules and Regulations.* The mayor shall take care that the laws, provisions of this charter, ordinances, resolutions, motions of the council, rules and regulations of the city be faithfully executed. The mayor may require oral or written reports and opinions from the directors of all executive departments of the city or from the directors of other departments, boards, and commissions of the city, except the judge of the municipal court.
- (d) *Administration of Departments.* The mayor, or designee, shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.
- (e) *Appointment and Removal Power.* With the approval of a majority vote of the entire council, the mayor shall appoint all department directors, except as otherwise provided by this charter. Department directors shall be chosen on the basis of qualifications, with special reference to experience in or knowledge of the duties performed by the particular department, and such further qualifications that may be required by ordinances, or by this charter. The mayor may suspend or remove all city employees, including department directors and appointed administrative officers provided under this charter, except as otherwise provided by law, this charter or the personnel code to be adopted pursuant to this charter.
- (f) *Appointment of Boards and Commissions.* Except as provided in Section 3.16 of this charter, the mayor shall have the power to appoint members of all boards and commissions provided for in the administrative code with the approval of a majority of the entire city council unless otherwise required by law.
- (g) *Administration of Oaths.* The mayor shall have the power to administer oaths and affirmations and shall commission all officers of the city except as otherwise provided in this charter.
- (h) *Execution of Documents.* The mayor shall sign all proclamations and executive orders and the mayor, or the mayor's designee, shall sign on behalf of the city all instruments, contracts, agreements, leases, deeds, mortgages and other instruments binding the city or conveying an interest in property or other right of the city to any other corporation, association, legal entity or natural person.

- (i) *Messages to Council.* The mayor shall from time to time deliver to the council orally, or in writing, messages suggesting to the council possible legislation and advising on matters that the mayor deems should be called to the attention of the council.
- (j) *Report of Financial Condition of City.* The mayor shall keep the council fully apprised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as the mayor deems desirable.
- (k) *Finance and Administrative Report.* The mayor shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (l) *Other Reports.* The mayor shall submit to the council such other reports as may be requested by the council concerning the operations of city departments, offices and agencies subject to the mayor's direction and supervision.
- (m) *Budget and Capital Program.* Each year the mayor shall submit a budget for the ensuing fiscal year and a five-year capital program for consideration of the council as required by sections 8.3 and 8.4 of this charter.
- (n) *Remission of Fine or Jail Sentence.* The mayor shall have the power, upon a proper showing, to remit a fine or jail sentence imposed upon any person other than the mayor by the municipal court.  
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

#### **SECTION 4.4 COMPENSATION OF MAYOR.**

Compensation of the mayor shall be established by ordinance. The council shall not change the compensation of any mayor, except by September 1, next prior to the election of the mayor, to take effect at the beginning of the next term of office for mayor.  
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

#### **SECTION 4.5 MAYOR — VACANCY; FORFEITURE OF OFFICE; FILLING OF VACANCIES.**

(a) The office of mayor shall be deemed vacant or forfeit for the same reason that the councilmembers' office shall be deemed vacant or forfeit under section 3.8 of this charter. If a vacancy occurs in the office of mayor, the president of the council as mayor pro-tem shall have all the powers and perform all the duties of the office until a special municipal election is called for the purpose of electing a mayor. Said election shall be called within 30 days of the occurrence of the vacancy, except when the vacancy occurs within the six months immediately preceding the expiration of the mayor's term, the

mayor pro-tem shall continue to act as mayor until a mayor is elected at the regular election.

(b) Whenever the mayor transmits to the president of the city council a written declaration that the mayor is unable because of absence from the city or other disability to discharge the powers and duties of the office of mayor, the president shall exercise the powers and duties of the office of mayor, as the mayor pro-tem, until the mayor transmits to the mayor pro-tem a written declaration that the inability no longer exists.

(c) Whenever two-thirds of the members of the city council declare that the mayor is unable because of disability to discharge the powers and duties of the office of mayor, the president of the city council shall immediately exercise the powers and duties of the office of mayor, as the mayor pro-tem. Thereafter, when the mayor transmits to the mayor pro-tem a written declaration that no inability exists, the mayor shall resume the powers and duties of the office of mayor, unless a majority of the members of the city council transmit within 48 hours to the mayor pro-tem their written declaration that the mayor is unable to discharge the powers and duties of the office of mayor. Thereupon, the council shall meet within 48 hours to decide the issue. If the council determines by two-thirds vote of the members of the council that the mayor is unable to discharge the powers and duties of the office of mayor then the mayor pro-tem shall continue to exercise the powers and duties of the office of mayor as the mayor pro-tem until a new mayor is elected, or until the council determines that the inability does not exist. When the council fails to determine, as described above, that the mayor is unable to discharge the powers and duties of the office of mayor, the mayor shall resume the powers and duties of that office.

(d) As acting mayor, the mayor pro-tem shall have the veto power and shall vote as a councilmember.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1987; Amendment approved by electorate, August 4, 1992)

#### **SECTION 4.6 PROHIBITION; HOLDING OTHER PUBLIC OFFICE.**

Except where authorized by law, or pursuant to an agreement between the city and another entity of government, the mayor shall not hold any other city office, city employment or other elected public office during the term for which the mayor was elected as the mayor, and no former mayor shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the former mayor was elected as mayor.

(Approved by electorate, November 3, 1981)

## **ARTICLE V. DIRECTOR OF ADMINISTRATION**

### **SECTION 5.1 DIRECTOR OF ADMINISTRATION — APPOINTMENT, QUALIFICATIONS.**

There shall be a director of administration who shall be appointed by the mayor with the approval of a majority of the entire council. The director of administration shall serve for an indefinite term and the council shall establish the director of administration's compensation and conditions for employment. The director of administration shall be chosen on the basis of executive and administrative qualifications, with special reference to experience in or knowledge of public administration, and such further qualifications that may be required by ordinances, or by this charter. The director of administration shall be a resident within six months after appointment. The director of administration must remain a resident of the city as long as the director of administration is acting in the capacity of director of administration. The director of administration must be at least 21 years of age and must devote full time to duties as director of administration.

(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

### **SECTION 5.2 REMOVAL OF DIRECTOR OF ADMINISTRATION.**

The director of administration may be removed by executive order of the mayor with the approval of a majority vote of the entire council.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

### **SECTION 5.3 POWERS AND DUTIES OF DIRECTOR OF ADMINISTRATION.**

The director of administration shall be responsible to the mayor for the administration of all city affairs placed in the director of administration's charge by the mayor or under this charter. The director of administration shall be the principal managerial aide to the mayor and shall perform such duties as may be assigned by the mayor. Subject to the direction of the mayor, duties shall include supervision of all departments, officers and employees of the city, advice to the mayor on all administrative matters and performance of other duties as assigned by the mayor or this charter.

(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **ARTICLE VI. MUNICIPAL COURT**

### **SECTION 6.1 THE MUNICIPAL COURT — JURISDICTION.**

There shall be a municipal court which shall have jurisdiction to hear and determine all cases arising under this charter or the ordinances of the city, and to assess punishment as therein provided. There shall be the right of appeal to the circuit court. The municipal court may punish contempt of court by fine not exceeding fifty dollars or by imprisonment not exceeding ten days, or both. It may enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to appeal as in other cases.

(Approved by electorate, November 3, 1981)

### **SECTION 6.2 THE MUNICIPAL COURT — JUDGE.**

The municipal court shall be presided over by one or more judges, as determined by ordinance, each of whom shall be elected for a term of four years. Each judge shall be a resident and qualified registered voter of the city, a licensed member of the bar of this state, and shall have been in active practice for at least three years. Each judge shall receive compensation as determined by ordinance. Whenever the municipal judge is temporarily absent or unable to act, the mayor shall appoint an eligible person to act during such absence or disability. Whenever the office of municipal judge becomes vacant for any reason, the mayor with the approval of a majority of the city council shall appoint an eligible person for the unexpired term. The judge or judges shall have the power to employ as many clerks as the council shall deem necessary, and shall have the power to remove such clerks. The judges may make rules affecting the court's administration not inconsistent with the rules of the supreme court and with the rules of the judicial circuit of which the municipal court is a division.

(Approved by electorate, November 3, 1981; Amending Ord. 98-470 approved by electorate, February 2, 1999)

### **SECTION 6.3 THE MUNICIPAL COURT — MARSHAL.**

The chief of police and the chief of police's subordinates shall serve as marshal and deputy marshals, respectively, of the municipal court and shall enforce its orders, judgments and decrees.

(Approved by electorate, November 3, 1981)

### **SECTION 6.4 THE MUNICIPAL COURT — PROCEEDINGS.**

The forms of complaints and the conduct of all proceedings in the municipal court shall be as prescribed by law or ordinance.

(Approved by electorate, November 3, 1981)

## **ARTICLE VII. ADMINISTRATIVE ORGANIZATION**

### **SECTION 7.1 ADMINISTRATIVE CODE.**

Within 12 months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the mayor to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations adopted shall be approved by ordinance and consistent with this charter.

The administrative code shall provide for at least the following departments: Finance Department, Public Works Department, Fire Department, Police Department, Department of Law, and the following boards and commissions: Board of Adjustment, Planning and Zoning Commission, Parks and Recreation Board, and Police and Fire Personnel Board. Additional departments, boards, and commissions may be created by ordinance. Nothing in this charter shall prevent the council from combining the police and fire departments into a Department of Public Safety.

All boards and commissions shall have such powers and perform such duties as are prescribed by law or by charter, and if not so prescribed, then such as shall be prescribed by ordinance.

(Approved by electorate, November 3, 1981; Amending Ord. 06-206 approved by electorate, November 7, 2006; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

***Cross-reference:***

*Administration, see Title III*

### **SECTION 7.2 PARKS AND RECREATION BOARD.**

The parks and recreation board shall be appointed by the mayor with the approval of the city council. The board shall consist of nine members chosen from the residents of the city at large who shall be over twenty-one (21) years of age and with other qualifications as may be established by ordinance. No member of the city government shall be a parks and recreation board member. Members shall serve three- year terms, with three appointments expiring each year. An appointment to fill a vacancy shall be made only for the unexpired vacant term. Members shall serve until a successor has been appointed, approved and sworn in. The Mayor shall appoint a member to the parks and recreation board within thirty days after the expiration of a current member's term or sixty days after a vacancy and shall continue to propose alternative members for appointment every forty-five days after city council action thereon until a member is approved by the city council. Nothing contained in this provision shall limit the number of terms which may be served by any member. Members may be removed during their term by either the mayor with the approval of the council or by a four-fifths (4/5) majority vote of the entire council.

All taxes collected from the tax for parks and recreation noted in Section 3.15 of this charter; all revenues received from the general operation of parks and recreation grounds, facilities and programs; any bond issue proceeds, donations, grant monies, Metropolitan Park and Recreation District sales tax distributed by St. Charles County in the form of grant revenue sharing funds, and non-designated allocations from other city funds which are designated for park and recreation purposes; and the interest earned from any fund balances resulting therefrom shall be used solely for the purposes of parks, recreation and related facilities as the budget and capital improvement plan is exclusively approved and/or amended by the parks and recreation board for the sources of taxes and revenues described in this section; notwithstanding Article VIII of this charter. The parks and recreation board shall review and consider any modifications to the parks and recreation budget and capital improvement program that may be recommended by the Mayor, Council or City Administrator during their procedural roles as described within Article VIII of this charter; however, the ultimate approval of all such expenditures shall remain with the parks and recreation board.

The director and assistant director of parks and recreation shall be appointed and may be disciplined, including but not limited to removal, by a majority of the entire Parks and Recreation Board. The parks and recreation board shall set the compensation for the director and assistant director and all other persons employed by the parks and recreation department. The board may authorize other positions necessary for the operation of the parks and recreation department and may appoint and discipline, including but not limited to removal, persons in those positions, or may delegate the authority to appoint and discipline. The manner of appointments or discipline shall be governed by the personnel code as provided in Section 7.9 of this charter, to the extent that the personnel code is consistent with this section. The parks and recreation board shall direct and supervise the administration of the parks and recreation department.

The parks and recreation board shall have the authority to purchase and to approve contracts for services, materials, supplies and equipment necessary for the operations of the parks and recreation department. The acquisition, improvement, transfer, exchange, lease from or to others, and the disposal of park land or the facilities thereon shall not be done without the approval of the parks and recreation board.

The parks and recreation board shall make and adopt such bylaws, policies, rules and regulations for its own guidance and for the government of the parks and of the recreation programs of the city. The terms of this Section shall supersede and prevail over any and all conflicting language contained in this Charter.

(Approved by electorate, November 3, 1981; Amending Ord. 01-3 approved by electorate, April 3, 2001; Amending Ord. 06-201 approved by electorate, November 7, 2006)

### **SECTION 7.3 DEPARTMENT OF FINANCE.**

The head of the department of finance shall be the director of finance. The director of finance shall have knowledge of municipal accounting and taxation, and shall have experience in budgeting and financial control.

(Approved by electorate, November 3, 1981)

### **SECTION 7.4 DIRECTOR OF FINANCE — DUTIES.**

Subject to the executive power of the mayor, the director of finance shall have charge of the administration of financial affairs of the city, and to that end the director of finance shall have authority and be required to:

- (a) *Accounting System.* Maintain a general accounting system for the city and each of its departments and offices; exercise financial control over the same; keep such books and records and submit such financial statements to the mayor and the council as they may require.
- (b) *Forms.* Prescribe the forms of all financial records, receipts, vouchers, bills and claims used by all departments and offices of the city.
- (c) *Disbursement of Monies.* Supervise and be responsible for the disbursement of all monies of the city, and have control over all expenditures to insure that they are proper and that appropriations are not exceeded.
- (d) *Expenditures.* Certify, before any contract, order, or other document is executed by which the city would incur financial obligation, that the expenditure is within the purpose of the appropriation and the work program contemplated thereby, and that there is a sufficient unencumbered balance in the appropriation account and in the proper fund to pay the obligation.
- (e) *Approve Payments.* Preaudit and approve before payment all bills, invoices, payrolls, and other evidences of claims against the city, and draw and sign checks for the payment of all such valid claims, with countersignature by the mayor.
- (f) *Audit Accounts.* Inspect and audit any accounts or records of financial transactions which may be maintained in the director of finance's department and in any other department or office of the city.
- (g) *Collect Revenues.* Collect or provide for the collection of all taxes, special assessments, license fees, and other revenues or monies due the city from any source whatsoever; and receive from the various departments and offices all fees, revenues, and monies collected by them.

- (h) *Treasurer.* Serve as treasurer for the city, and deposit all funds coming into the director of finance's custody in such depositories as may be designated by the city council. All such funds shall be secured in accordance with law and ordinance.
- (i) *Investments.* Make and have custody of all investments of the city, including those held in a fiduciary capacity, under such regulations as the council may prescribe.
- (j) *Budget.* Compile the information required for preparing the budget, and assist the mayor in its preparation.
- (k) *Assessment of Taxable Property.* Arrange for the assessment of all taxable property within the city in the manner provided by the council and in accordance with law.
- (1) *Other Duties.* Perform such other duties as may be prescribed by the mayor.  
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 7.5 DIVISION OF PURCHASES.**

There shall be a purchasing agent, who may be the mayor or someone appointed by the mayor. Pursuant to regulations established by ordinance, the purchasing agent shall contract for, purchase, store, and distribute all services, supplies, materials, and equipment required by any department or office of the city, except boards and commissions which may be exempt by law from such regulations.

The council may establish regulations under which the purchase of designated materials and equipment may be exempt from central purchasing regulations.  
(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992; Amending Ord. 06-206 approved by electorate, November 7, 2006; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 7.6 DEPARTMENT OF LAW — CITY ATTORNEY; APPOINTMENT, QUALIFICATIONS AND COMPENSATION.**

There shall be a department of law, the head of which shall be known as the city attorney. A city attorney shall be appointed by the mayor with the consent of a majority of the entire council. The city attorney may be removed by executive order of the mayor with the approval of a majority vote of the entire council, or by three-fourths vote of the entire city council on its own initiative. The city attorney shall be a licensed member of the bar of this state and shall have been in active practice for at least five years. The city attorney shall receive compensation as determined by ordinance.  
(Approved by electorate, November 3, 1981; Amending Ord. 99-33 approved by electorate, April 6, 1999; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 7.7 CITY ATTORNEY — DUTIES.**

The city attorney shall represent the city in all legal matters in which it is a party, or is interested. The city attorney shall advise the council, any committee or member thereof, the mayor, the director of administration, department heads, and the boards and commissions concerning any legal questions affecting the city's interest, and shall perform such other legal services as may be requested by the council. The city attorney shall prosecute and defend all actions originating or pending before the municipal court. (Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 7.8 SPECIAL COUNSEL.**

The city council shall have the power to employ special legal counsel as it deems necessary. The compensation of special counsel shall be determined by the city council. (Approved by electorate, November 3, 1981)

## **SECTION 7.9 PERSONNEL SYSTEM.**

Within 12 months after the adoption of this charter, the council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees. The personnel code shall provide that all appointments and promotions of classified city employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code may authorize the mayor or a personnel board, if one be established, to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this charter.

(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

### ***Cross-reference:***

*Personnel Code, see Ch. 36*

# **ARTICLE VIII. FINANCIAL PROCEDURES**

## **SECTION 8.1 BUDGET.**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the council may require. The budget shall indicate in separate sections:

(a) *Expenditures.* Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures.

(b) *Capital Expenditures.* Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing such expenditure.

(c) *City Owned Utilities.* Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

(d) *Total Expenditures.* The total proposed expenditures shall not exceed the total of estimated income.

(Approved by electorate, November 3, 1981)

## **SECTION 8.2 FISCAL YEAR.**

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

(Approved by electorate, November 3, 1981; Amending Ord. approved by electorate, April 6, 1999, effective 1-1-01)

## **SECTION 8.3 SUBMISSION OF BUDGET.**

At least 90 days prior to the end of the fiscal year the mayor shall submit to the council a budget for the ensuing fiscal year and an accompanying written message unless otherwise provided by ordinance. The accompanying written message may contain a summary of the budget. Upon receipt of the budget from the mayor, the city council shall conduct budget reviews of each department and fund of the city.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992; Amending Ord. 99-8 approved by electorate, April 6, 1999, effective 1-1-01; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 8.4 CAPITAL PROGRAM.**

(a) *Submission to Council.* The mayor shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) *Contents.* The capital program shall include:

- (1) Clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the three fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(Approved by electorate, November 3, 1981; Amending Ord. approved by electorate, April 6, 1999, effective 1-1-01; Amending Ord. 03-333 approved by electorate, April 6, 2004, to be effective April 3, 2007)

## **SECTION 8.5 COUNCIL ACTION ON BUDGET.**

(a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the city a general summary of the budget and a notice stating:

- (1) The time and places where copies of the message and budget are available for inspection by the public; and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) *Amendment Before Adoption.* After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(c) *Adoption.* The budget ordinance and the appropriations ordinance approving the expenditures provided in the budget shall be adopted by the affirmative vote of a majority of the members of the council and approved by the mayor not later than the last day of the fiscal year. The deadline for vote by the council and approval by the mayor shall be extended by one day for each day the mayor fails to meet the deadline prescribed in Section 8.3 of this charter.

During the period of extension the budget and appropriations of the previous fiscal year shall be deemed to be rebudgeted and reappropriated until the new budget and appropriations are finally adopted and approved. If the council shall not have passed the budget and appropriations ordinances by the times prescribed in this section, the budget as submitted by the mayor and the budget and appropriations ordinances shall be deemed to have been adopted.

If a budget ordinance and an appropriation ordinance have been adopted by the council but not approved by the mayor by the last day of the fiscal year, or within any time extension, or if the mayor has vetoed the budget ordinance and appropriation ordinance, then the budget and appropriations of the previous fiscal year shall be deemed to be rebudgeted and reappropriated until either the mayor approves the budget, the veto is overridden, or a new budget is adopted and approved.

(Approved by electorate, November 3, 1981; Amending Ord. 99-8 arrived by electorate, April 6, 1999, effective 1-1-01)

## **SECTION 8.6 COUNCIL ACTION ON CAPITAL PROGRAM.**

(a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the city a general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public; and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the last month of the current fiscal year.

(Approved by electorate, November 3, 1981)

## **SECTION 8.7 PUBLIC RECORDS.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

(Approved by electorate, November 3, 1981)

## **SECTION 8.8 AMENDMENTS AFTER ADOPTION — SUPPLEMENTAL APPROPRIATIONS.**

If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(Approved by electorate, November 3, 1981)

## **SECTION 8.9 AMENDMENTS AFTER ADOPTION — REDUCTION OF APPROPRIATIONS.**

If at any time during the fiscal year it appears probable to the mayor that the revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(Approved by electorate, November 3, 1981)

## **SECTION 8.10 AMENDMENTS AFTER ADOPTION — TRANSFER OF APPROPRIATIONS.**

At any time during the fiscal year the mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the mayor, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(Approved by electorate, November 3, 1981)

## **SECTION 8.11 AMENDMENTS AFTER ADOPTION — EMERGENCY APPROPRIATIONS; EFFECTIVE DATE.**

The supplemental appropriations and reduction or transfer of appropriations authorized in sections 8.8, 8.9, and 8.10 may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of section 3.10(f) of this charter.

(Approved by electorate, November 3, 1981)

## **SECTION 8.12 TAX RATES AND TAX ROLLS.**

The council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the city clerk to the appropriate official, who shall compute the taxes and extend them upon the tax rolls.

(Approved by electorate, November 3, 1981; Amending Ord. 99-8 approved by electorate, April 6, 1999, effective 1-1-01)

### ***Cross-reference:***

*Taxation, finance and revenue, Ch. 39*

*General business licensing and taxation, see Ch. 110*

## **SECTION 8.13 SALE OF BONDS.**

Except as otherwise required by law or this charter, all bonds issued by the city shall be sold as prescribed by city ordinance.

(Approved by electorate, November 3, 1981)

# **ARTICLE IX. NOMINATION AND ELECTIONS**

## **SECTION 9.1 CITY ELECTIONS.**

(a) *Regular Elections.* Regular city elections shall be held on the first Tuesday in April.

(b) *Primary Election for Mayor.* The city primary election, if needed, for the office of Mayor shall be held on the first Tuesday after the first Monday in February.

(c) *Special Elections.* The council may by resolution order special elections, fix the time for such elections, and provide for holding such elections.

(d) *Conduct of Elections.* All city elections shall be governed by the provisions of the charter and applicable state law. The council by ordinance may further regulate elections, subject to the provisions of the charter and applicable state law.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992; Amendment approved by electorate, August 6, 1996)

***Cross-reference:***

*Municipal elections, see Ch. 38*

## **SECTION 9.2 NOMINATIONS BY PETITION.**

(a) *Nominations.* Nominations of candidates for all elective offices shall be by petition. Petitions for ward councilmembers shall be signed by not less than 25 qualified registered voters who are entitled to vote for the candidate so nominated. Petitions for officials elected by the entire city shall be signed by not less than 100 qualified registered voters of the city. No voter shall sign more than one nominating petition for the same office, and should a voter do so, the voter's signature shall be void except as to the first filed of the petitions signed by the voter for the office concerned. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to the signature the date of signing and the place of the signer's residence, giving the street and number or other description sufficient to identify the signer's place of residence. The council by ordinance shall designate the appropriate form for nominating petitions and for acceptance of nominations to offices.

(b) *Filing and Acceptance.* Petitions for nomination for elective office shall be filed with the city clerk. The opening date for filing petitions for nomination for all offices except Mayor shall be 8:00 a.m. on the 12th Tuesday prior to the regular election, and the closing date for filing the petition for nomination for all offices except Mayor shall be 5:00 p.m. on the 11th Tuesday prior to the regular election. The opening date for filing petitions for nomination for the office of Mayor shall be 8:00 a.m. on the 12th Tuesday prior to the primary election date, and the closing date for filing the petitions for nomination for the office of Mayor shall be 5:00 p.m. on the 11th Tuesday prior to the primary election date.

(c) *Procedure After Filing.* Within five days after the filing of a nominating petition, the election authorities shall notify the candidate and the person who filed the petition whether or not it is sufficient. If a petition is found insufficient, the election authorities shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for same candidate. The election authorities shall keep on file all petitions

found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, November 7, 1989; Amendment approved by electorate, August 6, 1996; Amending Ord. 99-2 approved by electorate, April 6, 1999)

### **SECTION 9.3 PREPARATION OF BALLOTS.**

The names of candidates for elective offices shall be printed on ballots without party designation. The order upon which the candidates' names appear on the ballot shall be determined by lottery supervised by the city clerk. At least one notice of election shall be published in a newspaper of general circulation, which notice shall contain the names of candidates to be elected. The conduct of election within the city shall conform as close as practicable with the state election law for non-partisan elections.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992)

### **SECTION 9.4 DETERMINATION OF ELECTION RESULTS.**

(a) *Number of Votes.* Every qualified registered voter shall be entitled to vote for candidates at-large and to vote for one candidate for ward councilmember to represent the ward in which the qualified registered voter resides.

(b) *Returns; Canvass.* The council shall canvass the election returns and declare the results of any municipal election, regular, primary, or special, at a meeting to be held not later than one week following such election which meeting shall be open to the public and to which all candidates have been invited. The names of the two candidates receiving the highest number of votes in the mayoral primary election shall be placed on the ballot for the regular election. The candidate receiving the highest number of votes for each office at the regular election shall be declared elected and inducted into office at a meeting to occur not later than two weeks following that election.

(c) *Tie Vote.* If at any regular municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall proceed to determine the election by lot between the candidates receiving the most votes at the meeting at which the canvassing of the election occurs. If at any mayoral primary election there can be no determination of the two candidates receiving the most votes by reason of two or more having received an equal number of votes, then the two candidates whose names shall appear on the ballot at the regular election shall be determined by lot at the meeting at which the canvassing of the election occurs. If the tie occurs between those receiving the highest number of votes, the names of those candidates shall appear on the ballot. If the tie occurs between those receiving the second highest number of votes, then the names of all those receiving the second highest number of votes shall appear on the ballot at the regular election, in addition to the candidate in the mayoral primary who received the highest number of votes.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 6, 1996)

## **ARTICLE X. INITIATIVE, REFERENDUM AND RECALL**

### **SECTION 10.1 GENERAL AUTHORITY.**

(a) *Initiative.* The qualified registered voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

(b) *Referendum.* The qualified registered voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, appropriation of money, or levy of taxes.

(c) *Recall.* Any official elected by popular vote may be removed by the voters qualified to vote for the official's successor for malfeasance in office except as hereinafter provided, such power to be known as the recall. No official elected by popular vote shall be subject to recall within six (6) months from induction into office or during the last six (6) months of the official's term; and if the official is retained in office upon any recall election, the official shall not be subject to recall within a period of twelve (12) months thereafter.

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

### **SECTION 10.2 COMMENCEMENT OF PROCEEDINGS. PETITIONERS' COMMITTEE; AFFIDAVIT.**

Any five (5) qualified registered voters may commence initiative, referendum or recall proceedings, provided they are qualified to vote for the official's successor, by filing with the city clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance, or citing the ordinance to be reconsidered, or specifying the name of the elected official to be recalled and a general statement of the substance of the grounds for recall.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee. Only petition blanks issued by the City Clerk may be circulated.

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

### **SECTION 10.3 PETITIONS.**

(a) *Number of signatures.* Initiative and referendum petitions shall be signed by qualified registered voters of the city equal in number to at least 10 per cent of the total number of qualified registered voters registered to vote at the last regular city election. A recall petition shall be signed by qualified registered voters qualified to vote for the official's successor equal to 20 per cent of the total number of qualified registered voters registered to vote at the last regular city election.

(b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be preceded by the date signed and followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, the ordinance sought to be reconsidered, or and a general statement of the substance of the grounds for recall of an elected official.

(c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance sought to be reconsidered, or a general statement of the substance of the grounds for a recall of an elected official. Such affidavit shall be notarized. Only registered voters of the County of St Charles may circulate petitions for initiative, referendum or recall. Violation of this section shall subject the violator to a penalty as prescribed by ordinance and invalidate the petition signature.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered. Initiative and recall petitions must be filed within six months of the formation of the petitioners committee.

(Approved by electorate, November 3, 1981; Amending Ord. 99-2 approved by electorate, April 6, 1999; Amending Ord. 06-202 approved by electorate, November 7, 2006)

### **SECTION 10.4 PROCEDURE AFTER FILING.**

(a) *Certificate of Clerk: Amendment.* Within twenty days after the petition is filed, the city clerk shall deliver the petition to the election authority who shall determine its sufficiency and shall certify its sufficiency to the council. If it is certified insufficient, the clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail.

A person may remove their name from the petition by filing a form with the clerk prior to the enactment of the ordinance fixing a date for holding an election.

A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of the sufficiency certificate and files a supplementary petition upon additional papers issued by the City Clerk, and labeled supplementary petitions, within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with requirements of subsections (b) and (c) of section 10.3 and within ten days after it is filed the clerk shall deliver the petition to the election authority who shall determine its sufficiency and shall certify its sufficiency to the council. The clerk shall promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or requires council review under subsection (b) of this section within the time required, the clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council Review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

## **SECTION 10.5 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when: (a) there is a final determination of insufficiency of the petition; or (b) the petitioners' committee withdraws the petition; or (c) the council repeals the ordinance; or (d) upon the affirmative vote of the voters on the ordinance.

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

## **SECTION 10.6 ACTION ON PETITIONS.**

(a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the qualified registered voters of the city.

(b) *Submission to Voters.* The vote of the city on a proposed or referred ordinance shall be held not later than one year from the date of the final determination as to the sufficiency of the petitions. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of Petitions.* An initiative, referendum or recall petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(d) *Recall Election.* When a recall petition has been certified to the city council as sufficient by the city clerk, the city council shall fix a date for holding the election at the next available April, August or November election. If such office becomes vacant prior to the election, such election shall be cancelled, and the vacancy shall be filled as provided in this charter.

(e) *Recall Ballot.* The Ballot shall be in the following form:

SHALL \_\_\_\_\_ (Name/Title) \_\_\_\_\_ BE REMOVED FROM OFFICE?

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

## **SECTION 10.7 RESULTS OF ELECTION.**

(a) *Initiative.* If a majority of the qualified registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) *Recall.* If a majority of the qualified registered voters voting in such recall election shall vote in favor of the recall, then a vacancy shall exist. Such vacancy shall be filled as provided in this charter. If a majority of the qualified registered voters voting in such election shall vote against the recall, the elected officer shall continue in office. Any such person who has been recalled shall be ineligible to serve in the city in any capacity at any time during the remainder of the term for which the person was originally elected. (Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

## **SECTION 10.8 CONDUCT OF INITIATIVE REFERENDUM AND RECALL ELECTIONS.**

Notice of initiative, referendum and recall elections shall be given, the elections conducted, the returns canvassed, and the results declared in all respects as are other city elections.

(Approved by electorate, November 3, 1981)

## **ARTICLE XI. FRANCHISES**

### **SECTION 11.1 GRANTING OF FRANCHISES.**

All franchises and renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than 20 years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance after a full public hearing.

(Approved by electorate, November 3, 1981)

#### ***Cross-reference:***

*Cable television, see Ch. 111*

### **SECTION 11.2 RIGHT OF REGULATION.**

All franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the council to:

(a) *Misuse and Nonuse.* Repeal the same for misuse or nonuse, or for failure to comply therewith.

(b) *Efficiency.* Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(c) *Non-Discrimination.* Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) *Audit of Accounts.* Make an independent audit and examination of accounts at any time, and require reports annually.

(e) *Service to Public.* Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(f) *Use of Public Thoroughfares.* Control and regulate the use of the city streets, alleys, bridges, and public places, and the space above and beneath them.

(g) *Rates and Charges.* Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.

(h) *Other Regulations.* Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.  
(Approved by electorate, November 3, 1981)

### **SECTION 11.3 REVOCABLE PERMITS.**

Temporary permits for the operation of public utilities, or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the council shall determine. Such permits shall in no event be construed to be franchises, or extensions or amendments of franchises.

(Approved by electorate, November 3, 1981)

### **SECTION 11.4 OPERATION BEYOND FRANCHISE PERIOD.**

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit, subject, like other permits, to amendment, alteration, or revocation at any time at the will of the council.

(Approved by electorate, November 3, 1981)

## ARTICLE XII. GENERAL PROVISIONS

### SECTION 12.1 PERSONAL FINANCIAL INTEREST.

Any city officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in the officer's or employee's capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the mayor or the city council. (Approved by electorate, November 3, 1981)

### SECTION 12.2 PROHIBITIONS.

#### (a) *Activities Prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certification, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with the person's test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by self or with others willfully violates any of the provisions of paragraphs (a)(1) through (3) above shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine as may be provided by ordinance.

(Approved by electorate, November 3, 1981)

### **SECTION 12.3 NOTICE OF SUITS.**

No action shall be maintained against the city for or on account of an injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the mayor within ninety days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

(Approved by electorate, November 3, 1981)

### **SECTION 12.4 OFFICIAL BONDS.**

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other officers and employees as the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

(Approved by electorate, November 3, 1981)

### **SECTION 12.5 CHARTER AMENDMENT.**

Amendments to this charter may be framed and submitted to the qualified registered voters by a commission in the manner provided by law and the constitution for framing and submitting a complete charter. Amendments may also be proposed by the council or by petition of not less than ten per cent of the qualified registered voters of the city, filed with the city clerk setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the qualified registered voters at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the constitution for a charter. Any amendment approved by a majority of the qualified registered voters voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the constitution for a complete charter.

(Approved by electorate, November 3, 1981)

### **SECTION 12.6 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.**

(a) *Improvements.* The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.

(b) *Special Assessments.* The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.

(Approved by electorate, November 3, 1981)

## **SECTION 12.7 PROOF OF ORDINANCE.**

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the city; or, when printed and published by authority of the city, it shall be received in evidence in all courts, or other places, without further proof of authenticity.

(Approved by electorate, November 3, 1981)

## **SECTION 12.8 SEVERABILITY.**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

(Approved by electorate, November 3, 1981)

## **SECTION 12.9 NOUNS AND PRONOUNS.**

The city clerk shall remove all masculine nouns and pronouns from the text of this Charter, and replace them with gender-neutral nouns and pronouns.

(Approved by electorate, August 4, 1992)

# **ARTICLE XIII. LICENSING, TAXATION, AND REGULATION OF BUSINESS, OCCUPATIONS, PROFESSIONS, VOCATIONS, AND OTHER ACTIVITIES OR THINGS**

## **SECTION 13.1 OBJECTS OF LICENSING, TAXATION, AND REGULATION.**

The council shall have power by ordinance to license, tax, and regulate all business, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of the first, second, third, or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax, and regulate. In addition, the council shall have power by ordinance to license, tax, and regulate the following businesses, occupations, professions, vocations, activities or things: accountants, bookkeepers, inventory services, addressing services, billing services, telephone answering services, data processing services, and public stenographer services, advertising agencies, designers, taxidermists, ticket or travel agencies, radio or

television advertising agencies, audio-visual producers, recording studios, agricultural and farm machinery agents, directory agents, photography agents, ambulance or hearse services, appliance repair, associations and clubs, barge lines, building specialists, blasting services, sanitation engineers, septic tank installation removal and cleaning, landscaping, lawn maintenance, tree cutting, paving, well drilling, window cleaning, sign painting, snow removal, swimming pool repair and cleaning, demolition, consultant, counselor, appraiser, engineers, exterminators, furniture repair and stripping, guard and patrol services, mail order businesses, motor repair, newspaper offices, novelties, packing and crating services, peddlers, pollution controllers, produce dealers, research labs, meteorologists, medical examiners, embalmers, stands in public places, translators and interpreters, radio or television stations, and vending machines.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1987)

***Cross-reference:***

*Business regulations, see Title XI*

*General business licensing and taxation, see Ch. 110*

## **ARTICLE XIV. TRANSITIONAL PROVISIONS**

### **SECTION 14.1 PERSONNEL SYSTEM.**

An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Section 7.9.

(Approved by electorate, November 3, 1981)

### **SECTION 14.2 ORDINANCES TO REMAIN IN FORCE.**

All ordinances, regulations and resolutions in force at the time this charter takes effect, which are not inconsistent with the provisions of this charter, shall remain and be in force until altered, modified or repealed by or under authority of this charter or ordinance.

(Approved by electorate, November 3, 1981)

### **SECTION 14.3 PENDING ACTIONS AND PROCEEDINGS.**

No action or proceeding, civil or criminal, pending at the time this charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

(Approved by electorate, November 3, 1981)

## **SECTION 14.4 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND TAXES.**

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the city which are uncollected at the time this charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

(Approved by electorate, November 3, 1981)

## **ARTICLE XV. SCHEDULE**

### **SECTION 15.1 ELECTION TO ADOPT CHARTER.**

This charter shall be submitted to a vote of the qualified registered voters of the City of Saint Charles at an election to be held on the 3rd day of November, 1981. The election shall be administered by the officials now charged with the responsibility for the conduct of city elections.

(Approved by electorate, November 3, 1981)

### **SECTION 15.2 TIME OF TAKING FULL EFFECT.**

This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the city council elected in April, 1982.

(Approved by electorate, November 3, 1981)

### **SECTION 15.3 INCUMBENT ELECTED CITY OFFICIALS.**

All elected officials in office on the date this charter is adopted shall continue in office for the duration of the term to which they were elected.

(Approved by electorate, November 3, 1981)

### **SECTION 15.4 TEMPORARY ORDINANCES.**

At its first meeting or at any meeting held within 60 days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances

generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in section 3.10 for ordinances of the kind concerned.

(Approved by electorate, November 3, 1981)

#### **SECTION 15.5 PURPOSE OF SCHEDULE.**

The purpose of the foregoing provisions is to provide a transition from the present government of the City of Saint Charles, Missouri, to the new government provided for in this charter and to inaugurate the new government under the provisions of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.

(Approved by electorate, November 3, 1981)